

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claims 22-30 and 32-39 under 35 U.S.C. § 102(b) as being anticipated by JP 09245093A¹ to Sasaki (hereinafter “Sasaki”). Additionally, the Examiner rejects claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Sasaki in view of U.S. Patent No. 6,790,198 to White et al., (hereinafter “White”).

Firstly, claims 22-26 and 28-30 have been canceled, thereby rendering the rejections thereof moot.

Secondly, with regard to claims 27 and 31-39, Applicants respectfully traverse the Examiner’s rejections under 35 U.S.C. §§ 102(b) and 103(a) for at least the reasons set forth below. However, independent claims 27, 32-34, 37 and 38 have been amended to clarify their distinguishing features.

The amendments to the claims are fully supported in the original disclosure. Thus, no new matter has been introduced into the disclosure by way of the present amendment to the claims.

With regard to claim 27 and 31, in the Final Office Action, the Examiner indicated paragraphs [0028] and [0038] of Sasaki as the basis for the rejection of the features of claim 30, and indicates that “disposal” could be any broken injection bottle (see item I on page 5 of the Final Office Action).

Applicants respectfully disagree with the Examiner’s interpretation and submit that the term “disposal” in paragraph [0038] of Sasaki does not mean “abolishment” but means “process.” This is also clear from Fig. 22 of Sasaki. In other words, in Sasaki,

¹ In the Office Action, the Examiner incorrectly cites the Sasaki reference as JP409245093A.

“disposal” does not include a broken injection bottle. Therefore, the information system for use in a hospital according to claim 27 further including features from dependent claim 30 (now canceled) is different from that disclosed or suggested in Sasaki.

With regard to claim 31, Applicants respectfully submit that the same has been amended to depend from claim 27 and is at least allowable for the same reasons as set forth above with regard to claim 27.

With regard to claim 32, in the Final Office Action, the Examiner argues that Sasaki states “. . .The related part of the nursing order information 34 which corresponds at the same time a new work plan is added to the work plan information 35 after confirmation disposal is updated, and each alteration is reflected in designation of the nursing order designation field 1021 and the work plan display screen 1022. A work plan is drawn up by repeating the aforementioned procedure about all the nursing order in paragraph [0029] (see item C on page 12 of the Final Office Action).

In paragraph [0029] of Sasaki, however, the nursing order information 34 and the displays of the nursing order designation field 1021 and the work plan display screen 1022 are changed. This is completely different from the application program executed via an arithmetic processing unit as in the claimed invention. Therefore, since Sasaki fails to teach updating an application program executed by an arithmetic processing unit, the invention according to claim 32 patentably distinguishes over that disclosed and suggested by Sasaki.

With regard to claims 33, 34 and 37-39, Applicants respectfully submit that the same are at least allowable for the same reasons as set forth above with regard to claim 32.

With regard to the rejection of claims 22-30 and 32-39 under 35 U.S.C. § 102(b), an information system (claims 27, 32-34), server system (claims 37 and 38) and

terminal (claim 39) having the features discussed above and as recited in independent claims 27, 32-34 and 37-39, is nowhere disclosed in Sasaki. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”² independent claims 27, 32-34 and 37-39 are not anticipated by Sasaki. Accordingly, independent claims 27, 32-34 and 37-39 patentably distinguish over Sasaki and are allowable. Claims 35 and 36 being dependent upon claim 34 are thus at least allowable therewith (claims 22-26 and 28-30 being canceled). Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 22-30 and 32-39 under 35 U.S.C. § 102(b).

With regard to the rejection of claim 31 under 35 U.S.C. § 103(a), since independent claim 27 patentably distinguishes over the prior art and is allowable, claim 31 is at least allowable therewith because it depends from an allowable base claim. Consequently, the Examiner is respectfully requested to withdraw the rejection of claim 31 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

² Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

conference with Applicant's attorneys would be advantageous to the disposition of this case,
the Examiner is requested to telephone the undersigned.

Respectfully submitted,

/Thomas Spinelli/

Thomas Spinelli

Registration No.: 39,533

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm